REMARKS

This Amendment is submitted as being responsive to the Office Action mailed April 30,

2003. Claims 1-14 remain pending in the application with claims 1, 2, 4, 7, 8, 10, 13 and 14
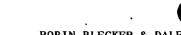
having been amended, as indicated above.

With respect to this application, it is noted that a "Request to Consider Pending Formal

Matter" ("Request") was filed with the USPTO on May 14, 2003 with facsimile certification.

This Request was directed to the previous filing of a certified copy of the priority document for

this application on November 15, 2000 with a transmittal form with mail certification to the

USPTO. It is noted that a search of the PAIR system shows that this Request ("Miscellaneous

Incoming Letter") was entered by the USPTO on May 14, 2003 and that the "Request for

Foreign Priority" was entered by the USPTO on November 20, 2000. However, to date, we have

received no confirmation by the Examiner of receipt of this Request or acknowledgment of the

claim to priority or receipt of the certified copy of the priority document. It is requested that the

Examiner telephone the undersigned counsel to confirm receipt and entry of the certified copy of

the priority document upon receipt of this Amendment and indicate in any subsequent papers to

the outstanding Office Action that such submission is noted and entry has been made. To assist

in this process, the undersigned counsel will also telephone the Examiner to follow-up on the

status of this matter. Your attention and assistance is greatly appreciated.

Independent claims 1, 4, 7, 10, 13 and 14 were finally rejected under 35 U.S.C. § 102(e)

as being anticipated by Sato et al., U.S. Patent No. 6,108,638. The rejections of the claims are

respectfully traversed and reconsideration is requested.

Independent claim 1 has been amended and recites as follows:

A charge calculation apparatus comprising:

-5-

first calculation means for calculating a charge for using application software applied to create and/or edit data; and

second calculation means for calculating a charge for using a data input/output device, which inputs data that should be edited by the application software or outputs data that has been edited by the application software.

Independent claims 7 and 13 directed to a charge calculation method and a computer-readable storage medium which stores program codes of a charge calculation method, respectively, have also been similarly amended. It is submitted that the Sato et al. reference does not disclose or suggest the apparatus, method or medium, as claimed in these amended independent claims. Particularly, the reference does not disclose or suggest calculating both a charge for using application software applied to create and/or edit data and a charge for using a data input/output device, which inputs data that should be edited by the application software or outputs data that has been edited by the application software. Thus, the present claimed apparatus, method and storage medium includes not only a charge for using a device but also a charge for using application software- which is not disclosed or suggested by Sato et al.

Rather the Sato et al. reference just discloses calculating a total price of products that a user bought based on barcodes read by a plurality of input units. Accordingly, neither calculating a charge for using application software applied to create and/or edit data nor calculating a charge for using a data input/output device, which inputs data that should be edited by the application software or outputs data that has been edited by the application software is disclosed or suggested in Sato et al. It is therefore submitted that the reference fails to disclose or suggest the apparatus, method or medium, as claimed, and that the independent claims are patentable. Reconsideration is requested.

Independent claim 4 has also been amended and recites as follows:

A charge calculation apparatus comprising:

- 6 -

first calculation means for calculating a charge for using a device for inputting or outputting data; and

second calculation means for calculating a charge for using application software applied to use the device.

Independent claims 10 and 14 directed to a charge calculation method and a computer-readable storage medium which stores program codes of a charge calculation method, respectively, have also been similarly amended. It is submitted that the Sato et al. reference does not disclose or suggest the claimed apparatus, method or medium, particularly, such for calculating both a charge for using a device for inputting or outputting data and a charge for using application software applied to use the device. Thus, the present claimed invention of including not only a use charge of a device but also a use charge of application software, such as driver software applied to use the device, is not disclosed or suggested by Sato et al.

As discussed above, the calculating process in Sato et al. is limited - and does not disclose or suggest calculating a use charge of a device. Nor does the Sato et al. reference disclose or suggest calculating a charge for using application software applied to use the device, as claimed. The claimed apparatus, method or medium of the present invention is therefore not disclosed or suggested in the reference and is accordingly submitted as being patentable. Further, based on such patentability of the independent claims, the dependent claims are also submitted as being patentable since they differ in scope from the parent independent claims.

Additionally, entry of this Amendment after final rejection is submitted as proper in that it places the application in condition for allowance. Particularly, the present Amendment is submitted as not raising new issues and not requiring further consideration or searching. A telephone call from the Examiner prior to the expiration of the statutory period including extensions (i.e., October 30, 2003), would be appreciated or if the Examiner believes that an

- 7 -

interview would expedite consideration of this Amendment or of the application, a request is also

made that the Examiner telephone applicant's counsel at (212) 682-9640.

Dated: July 30, 2003   Respectfully submitted,

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- 8 -